

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
May 10, 2011
7:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, and Mark Winings

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the April 26, 2011 (1st & 2nd Meeting) minutes, which were previously provided to the Board.

**Alderman Harris moved to approve the April 26, 2011 (1st & 2nd Meeting) minutes.
Alderman Goodman seconded the motion.**

The motion passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Goldstein presented Gary Scheipeter, Public Works Streets Superintendent, with a plaque honoring him for being recognized nationally by the American Public Works Association. Gary was selected as one of the nation's *Top 10 Public Works Leaders of the Year*, which is a very prestigious honor.

Mayor Goldstein presented City Clerk June Waters with a proclamation recognizing May 1-7, 2011 as *Municipal Clerks Week*.

Mayor Goldstein congratulated City Clerk June Waters for being elected as treasurer of the Missouri City Clerk's and Finance Officers Association – Eastern District and will take her oath of office in June 2011.

CITY OF CLAYTON CITIZEN SURVEY RESULTS

Karen Falk, ETC Institute, gave the Board a detailed presentation of the 2011 Citizen Survey results. Ms. Falk explained that ETC Institute administered the *DirectionFinder* survey for the City of Clayton, for the third time during March and April of 2011. The survey was administered as part of the City's on-going effort to assess citizen satisfaction with the quality of city services. She pointed out that the survey was administered during the same time period in 2009 and 2010.

She said that a seven-page survey was mailed to a random sample of 1,800 households in Clayton. Of the households that received a survey, 412 completed it. The results for the random sample of 412 households have a 95% level of confidence with a precision of at least +/-4.7%. The report includes a summary of the methodology for administering the survey and major findings; chart showing the overall results for questions on the survey; benchmarking data that shows how the results for Clayton compare to other cities and the nation; importance-satisfaction analysis; GIS maps that show the results of selected questions; tables that show the results for each question on the survey; and a copy of the survey instrument.

She said that one of the major findings was that the Composite Customer Satisfaction Index was 100 for 2009, increasing in 2010 to 102 and is at 100 for 2011. Overall, Clayton outperformed other communities across the United States and in the Kansas-Missouri Region during the past three years.

Alderman Lichtenfeld commented that the results for the past three years show that the citizens are very satisfied and commended the City staff and employees for the work that they do to achieve this satisfaction to which the City owes them a debt of gratitude.

In response to Alderman Garnholz's question, Ms. Falk said that the 1 to 2 point reductions in satisfaction are not considered significant and that the state of the economy will affect some of those areas.

In response to Alderman Lichtenfeld's question, City Manager Owens stated that he had conversations regarding the issues related to the sewer/water utilities and stormwater management services question on the survey and that most of those issues were beyond the City's control.

In response to Alderman Goodman's question, Ms. Falk explained that they could in the future mail to a larger random number of households which would be more costly, but overall more responses would not change the "good" representation for a community the size of Clayton. Results would probably not significantly change.

In response to Alderman Winings' question Ms. Falk stated that the smallest community they have surveyed was approximately 3,000 residents or 1800 households. She could not give an overall number, but ETC has been providing the *DirectionFinders* survey for the last six to seven years. She said that once a community discovers that it can be a remarkable tool for managing a community then they sign up, but it's not something that everybody does.

Alderman Winings said that he was curious about other data because Clayton is being compared to other cities that are doing surveys in terms of the satisfaction ratings.

Ms. Falk confirmed that Clayton is being compared to other cities that participate in the *DirectionFinders* surveys and that the additional information had been gathered by ETC through a national survey.

Mayor Goldstein commented that the survey results presentation was very helpful and the Board now has a document to review as the City prepares to go through its budget. She said that they have heard from the citizens what is important and have heard emphatically to not change the service levels; the documentation provides a lot of information as the Board figures financial priorities for next year. She thanked Ms. Falk for a great presentation.

AN ORDINANCE TO REVISE THE TRAFFIC CODE RELATED TO THE DESIGNATION OF NO-PARKING ZONES IN DAVIS PLACE SUBDIVISION ON DAVIS DRIVE, MOHAWK DRIVE, NORTH BILTMORE DRIVE, AND WEST BILTMORE DRIVE

Alderman Lichtenfeld stated that he and Alderman Winings talked with some of the Davis Place Trustees and is aware that representatives from Central Presbyterian Church are planning to reconstitute and expand committees to work through the parking issues. He proposed to the Board to postpone the discussion and vote of the ordinance and explained the postponement will not change the existing parking restrictions in Davis Place.

City Attorney O'Keefe explained the process of withdrawing the bill for Board consideration.

Alderman Lichtenfeld moved that the Board remove for consideration Bill No. 6262, an ordinance to revise the traffic code related to the designation of no-parking zones in Davis Place Subdivision on Davis Drive, Mohawk Drive, North Biltmore Drive and West Biltmore Drive. Alderman Goodman seconded.

The motion passed unanimously on a voice vote.

Mr. Ed Rader, 7744 Davis Drive, addressed the Board stating that parking problems with the church have been an ongoing issue since 1966. He stated that utilization of the Church's existing parking areas is the problem because church visitors do not park in the church-owned parking lots/garage. He said that he has been checking the utilization of the church's parking areas periodically from December 2010 through May and recorded its use (a copy of Mr. Rader's report was distributed to the Board).

A RESOLUTION APPROVING AGREEMENTS WITH CENTENE CENTER LLC WITH REGARD TO THE CENTENE PLAZA BOLLARD PLAN

City Manager Owens reported that this is a resolution to approve agreements that relate to plans to install protective bollards on the Forsyth and Hanley frontages of the Centene Plaza project. Centene Center LLC ("Centene"), located at 7700 Forsyth Boulevard, wants to place and maintain a series of stainless steel bollards within the City of Clayton right-of-way along the south side of Forsyth Boulevard in front of the north face of the Center Tower west of Hanley Road, and in the St. Louis County right-of-way along the west side of Hanley Road between Forsyth Boulevard and Carondelet Avenue.

The bollards are proposed to be brushed stainless steel, approximately 36" tall; and spaced approximately 5' 6" apart; with spread foundations that are incorporated into the sidewalk/streetscape. The bollard foundations are heavily reinforced 12" thick concrete (as opposed to our standard 5" streetscape sidewalk thickness). The City's standard streetscape does not include bollards; and the thickened sidewalk will make sidewalk/streetscape repairs and work on utilities beneath the pavement more difficult.

At their October 4, 2010 meeting, the City Plan Commission/Architectural Review Board approved Centene's request to install the bollards, with contingencies that included:

1. Allowing the bollards along Hanley Road and Forsyth Boulevard only.
2. Replacing the proposed bollards with the three planters at the entrance to Forsyth Court.

The Public Works Department has reviewed the proposed bollard installation plans and they are consistent with the City Plan Commission/Architectural Review Board's approval.

In the course of exploring these arrangements Staff has also discussed with Centene issues of potential liability that might be associated with placement of the bollards. As a result, Centene has agreed to a Hold Harmless and Indemnification Agreement to insulate the City against any such risks.

Both the Public Works Department and the City Attorney have reviewed and approved the attached agreements to (a) permit the installation on the City's Forsyth Blvd. right of way and in the City's standard streetscape improvements installed on St. Louis County's Hanley Road right of way pursuant to agreements between the City and County and between Centene and the County, and (b) indemnify the City with respect to the permitted installations. The arrangements also include a third-party bond adequate to secure performance of Centene's obligations to the City and to the County.

Staff believes these arrangements and agreements are the appropriate structure by which to allow Centene Center LLC to install their desired bollards in the City's Forsyth Boulevard right-of-way and Hanley Road streetscape.

John Severine, Centene, Neil Eisenberg, HOK, Don Wofsey, Armstrong Teasdale and Jim Mundy, Clayco, were in attendance to answer any questions from the Board.

In response to the Board's questions, Mr. Severine gave a brief PowerPoint presentation showing the location and design of the bollards. Mr. Mundy explained how the bollards would be positioned for the protection/security of the building and pedestrians. He detailed the design and strength capability of the stainless steel material used to construct the bollards. He added that the bollards would not obstruct any ADA compliance requirements.

Alderman Goodman asked if there was a possibility that the bollards could also be used to attach a dog leash to them and also inquired as to a possible use of a bike rack.

Mr. Severine stated that they are open to suggestions on additional uses of the bollards and also added that Centene has also placed bike racks on other locations of the property.

Alderman Lichtenfeld moved to approve Resolution No. 11-19, approving agreements with Centene Center LLC with regard to the Centene Plaza bollard plan. Alderman Goodman seconded.

City Attorney O'Keefe stated that Alderman Winings made an observation with respect to the Indemnification Agreement which he has discussed with Mr. Wofsey. City Attorney O'Keefe confirmed the resolution indicates that the Board approves and authorizes execution substantially in accord with the exhibits that are attached. City Attorney O'Keefe stated that in response to the proposed recommendation, Centene has agreed to modify the Indemnification Agreement so that the obligation does not terminate with the removal of the bollards, but continues as to claims arising out of the presence of the bollards if claims are brought after they are removed. City Attorney O'Keefe said that this is a technical issue concerning how the Indemnification Agreement will be phrased and he requested that Mr. Wofsey and his clients agree with the revision. Mr. Wofsey confirmed that he was in agreement with City Attorney O'Keefe. City Attorney O'Keefe stated that it would not be necessary to change the resolution, but will modify the agreement with the change before executing the final version.

The motion passed unanimously on a voice vote.

MOTION TO DISPOSE OF RECORDS

City Manager Owens reported that as the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Alderman level.

A list of records staff is proposing to dispose of includes miscellaneous salary surveys, 1991 – 2006 and duplications of original records.

Based on the Board's past discussions, staff has reviewed the records and confirmed that these are materials that are not required to meet the retention schedules set forth by the Secretary of State and that these records are no longer needed by staff. We have also verified that this list does not contain any records we would consider to be of an "historical" nature. Recommendation is to approve a motion to dispose of the records.

Alderman Lichtenfeld moved to approve the disposal of records as listed. Alderman Goodman seconded.

The motion passed unanimously on a voice vote.

Other

Mayor Goldstein thanked the Parks & Recreation staff, Judy Kekich and Darren Young for a job well done on the Community Day event. She stated that the event was well attended and very successful.

Mayor Goldstein commented that The Crescent Soirée event with the statue unveiling was very successful and very well attended. She commented that she has had a lot of feedback that this type of event should be continued which may be something that the City could encourage in this neighborhood.

Mayor Goldstein shared a letter from the City of Maryland Heights expressing their thanks and appreciation to Clayton's Parks & Recreation employees for lending them equipment and helping them clean up their parks after the recent tornado damage. She commended the staff for reaching out to the local municipalities during this time of need.

Alderman Lichtenfeld reported that the St. Louis County Capital Facilities Improvement Committee met last month. He said that they reviewed the bond issues that were voted on most recently and discussed what direction they should go for the future. He said that they voted unanimously to recommend to the St. Louis County Council to place the *no tax increase* bond issue (approx.. \$100 million) on the April 2012 election to fund a new family courts building (currently on Brentwood Boulevard) with a new location within downtown Clayton.

Alderman Winings expressed his appreciation to the City Manager, City Attorney and staff on the wealth of information provided to him during his orientation.

City Manager Owens reported to the Board that the staff hosted the Russian visitors at City Hall today. He said that the group seemed to be very excited and interested in the City's business.

There being no further regular business, Alderman Winings moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Harris seconded the motion. The motion passed unanimously on a roll call vote cast as follows: Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye.

The motion passed unanimously on a voice vote.

The meeting adjourned at 8:15 p.m.

Mayor

ATTEST:

City Clerk